

Frederick County , Maryland
Chapter 1-6, Buildings, Article IV, Wellhead Protection Code
Contact: Frederick County Health Department
(301)698-9161

Draft Health Ordinance

THE EFFECTIVE DATE OF THIS ORDINANCE IS
ORDINANCE NO. _____

OPINION, FINDINGS AND ORDINANCE
OF
BOARD OF COUNTY COMMISSIONERS
OF
FREDERICK COUNTY, MARYLAND

RE: PROPOSED AMENDMENT TO
FREDERICK COUNTY CODE (CHAP. 1-6)

PURPOSE: to help additionally to protect publicly owned water wells from contamination
from hazardous substance storage tanks that may leak.

ORDINANCE

WHEREAS, the State of Maryland has provided certain protections against possible
contamination from hazardous substance storage tanks that may leak: and

WHEREAS, the Board of County Commissioners of Frederick County wishes to provide
additional protections against such possible contamination to publicly owned water wells that
supply water to large numbers of citizens;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the following shall be
added to the Frederick County Code (1979) to read as follows:

CHAPTER 1-6

BUILDINGS

ARTICLE IV. WELL HEAD PROTECTION CODE

SEC. 1-6-50. STORAGE TANKS.

A. AS USED IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED;

(1) COMMUNITY WATER SYSTEM (WELL) MEANS A PUBLICLY OWNED WATER SUPPLY SYSTEM WELL THAT HAS AT LEAST 15 SERVICE CONNECTIONS OR SERVES AN AVERAGE OF AT LEAST 25 INDIVIDUALS THROUGHOUT THE YEAR.

(2). WELL HEAD RESERVE AREA MEANS AN AREA DESIGNATED ON THE MASTER WATER AND SEWERAGE PLAN FOR FREDERICK COUNTY AS A PUBLICLY OWNED WELLHEAD RESERVE AREA WHICH PROVIDES FOR THE SPACE TO DRILL FUTURE REPLACEMENT WELLS.

CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.
[Brackets) indicate matter deleted from existing Ordinance.

(3) STORAGE TANK MEANS A STORAGE TANK ABOVE OR BELOW GROUND WITH A CAPACITY OF 270 GALLONS OR MORE, CONNECTED PIPING, ANCILLARY EQUIPMENT AND CONTAINMENT SYSTEM, IF ANY, OTHER THAN A PRIVATE ONE UNIT RESIDENCE WHICH STORES OIL WITHIN THE RESIDENCE FOR PERSONAL USE.

(4) HAZARDOUS SUBSTANCE MEANS ANY SUBSTANCE, INCLUDING OIL OR ITS BY-PRODUCTS, THAT;

CONVEYS TOXIC, LETHAL, OR OTHER INJURIOUS EFFECTS OR WHICH CAUSES SUBLETHAL HARMFUL ALTERATIONS TO PLANT, ANIMAL, OR AQUATIC LIFE;

MAY BE INJURIOUS TO HUMAN BEINGS; OR

PERSISTS IN THE ENVIRONMENT.

B. A PERMIT SHALL BE OBTAINED FROM THE FREDERICK COUNTY OFFICE OF PERMITS AND INSPECTIONS FOR THE PLACEMENT OR INSTALLATION OF ANY HAZARDOUS SUBSTANCE STORAGE TANK, AND A NEW PERMIT OBTAINED FOR

ANY CHANGE IN THE SUBSTANCE STORED IN THE STORAGE TANK.

C. (1) A HAZARDOUS SUBSTANCE STORAGE TANK SHALL NOT BE LOCATED WITHIN 200 FEET OF A COMMUNITY WATER SUPPLY SYSTEM WELL OR WELLHEAD RESERVE AREA.

(2) A HAZARDOUS SUBSTANCE STORAGE TANK TO BE LOCATED WITHIN AN AREA MORE THAN 200 AND LESS THAN 500 FEET FROM A COMMUNITY WATER SUPPLY SYSTEM WELL OR WELLHEAD RESERVE AREA SHALL BE PLACED ABOVE GROUND AND BE SURROUNDED BY A CONTINUOUS DIKE, WALL, OR BASIN CAPABLE OF EFFECTIVELY HOLDING THE TOTAL VOLUME OF THE TANK. THE CONSTRUCTION AND COMPOSITION OF THIS EMERGENCY HOLDING AREA SHALL PREVENT THE MOVEMENT OR DISCHARGE OF THE CONTENTS OF THE TANK TO THE SURROUNDING LAND SURFACE.

(3) A HAZARDOUS SUBSTANCE STORAGE TANK TO BE LOCATED WITHIN AN AREA BETWEEN 500 FEET AND 750 FEET OF A COMMUNITY WATER SUPPLY SYSTEM WELL OR WELLHEAD RESERVE AREA MAY BE LOCATED UNDERGROUND BUT SHALL MEET ALL CURRENT STATE AND FEDERAL REQUIREMENTS, OR MAY BE PLACED AS DESCRIBED IN SUBSECTION (2) ABOVE. IN ADDITION, IF THE TANK IS TO BE PLACED UNDERGROUND, THE COUNTY PERMIT OFFICE SHALL BE FURNISHED WITH A REPORT FROM A HYDROGEOLOGIST WHICH STATES; THE NATURE OF THE UNDERLYING SOIL GEOLOGIC STRUCTURE, AND AQUIFER AND THE LIKELIHOOD OF CONTAMINATION OF NEIGHBORING WATER SOURCES IN THE EVENT THE CONTENTS OF THE STORAGE TANK ARE DISCHARGED, AND AN ESTIMATE OF THE GROUNDWATER TRAVEL TIME WHICH MIGHT BE EXPECTED

FROM THE LOCATION OF THE STORAGE TANK TO THE COMMUNITY SUPPLY
ON ITS OWN STUDIES OR INFORMATION OR, EXPERTISE, THE COUNTY
GOVERNMENT SHALL REFUSE TO ISSUE THE PERMIT IF THERE IS UNDUE
DANGER TO THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE IN THE
OPINION OF THE COUNTY GOVERNMENT OR ITS CONSULTANT.

(4) ALL PERMITS FOR HAZARDOUS SUBSTANCE STORAGE TANKS SHALL BE
CHECKED BY THE PLANNING AND ZONING DEPARTMENT FOR COMPLIANCE
WITH THE ABOVE-MENTIONED SETBACK REQUIREMENTS.

D. IF THE HAZARDOUS SUBSTANCE STORAGE TANK IS DETERMINED TO BE
WITHIN 750 FEET OF A WATER SUPPLY SYSTEM WELL OR WELLHEAD RESERVE
AREA, THEN THE APPLICANT FOR THE PERMIT WILL BE REQUIRED TO PROVIDE A
SURVEYOR'S DRAWING INDICATING THE SPECIFIC DISTANCE FROM THE
PROPOSED STORAGE TANK TO THE NEAREST WATER SUPPLY WELL OR
WELLHEAD RESERVE AREA.

E. THE APPLICANT FOR A HAZARDOUS SUBSTANCE STORAGE TANK PERMIT
SHALL SUBMIT ITS APPLICATION AND A FEE OF _____DOLLARS (\$).
THIS FEE SHALL INCLUDE MONIES FOR THE DIRECT COST OF THE REVISED
PROCEDURES.

F. ANY PERSON, PARTNERSHIP, FIRM OR CORPORATION WHO DIRECTS OR
PERMITS ANY VIOLATIONS OF ANY OF THE PROVISIONS OF THIS SECTION OR
WHO AIDS OR ASSISTS THEREIN, EITHER ON HIS OWN BEHALF OR IN THE
INTEREST OF HIS EMPLOYER OR PRINCIPAL SHALL, UPON CONVICTION THEREOF
BY A COURT OR COMPETENT JURISDICTION BE GUILTY OF A MISDEMEANOR

PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00)

OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY (30) DAYS OR BOTH, FOR

EACH SEPARATE OFFENSE. EVERY DAY EACH VIOLATION EXISTS SHALL
CONSTITUTE A SEPARATE OFFENSE AND BE PUNISHABLE AS SUCH.

The undersigned hereby certified that this Ordinance was approved and adopted on the _____
day of _____, 1990.

ATTEST:

BOARD OF COUNTY COMMISSIONERS

OF FREDERICK COUNTY, MARYLAND

By

J. Anita Stup

President

Dawn Hatzer
Administrative Officer